

ASSEMBLY BILL

No. 404

Introduced by Assembly Member Ruskin

February 15, 2007

An act to amend Section 84505 of, and to add Section 84506.5 to, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 404, as introduced, Ruskin. Political Reform Act of 1974: disclosure.

Existing law requires a broadcast or mass mailing advertisement supporting or opposing a candidate or ballot measure, if paid for by an independent expenditure, to include a disclosure statement that identifies the name of the committee making the independent expenditure and the names of the persons from whom the committee making the independent expenditure has received its 2 highest cumulative contributions of \$50,000 or more during the 12-month period prior to the expenditure, as specified.

This bill would require that advertisements published, displayed, or broadcast for or against a candidate, that are paid for by independent expenditures, expressly state that they are not being made on behalf of a candidate or candidate-controlled committee.

Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

This bill would impose a state-mandated local program by imposing these penalties on persons who violate the provisions of this bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 84505 of the Government Code is
2 amended to read:

3 84505. In addition to the requirements of Sections 84503,
4 84504, ~~and~~ 84506, *and* 84506.5, the committee placing the
5 advertisement or persons acting in concert with that committee
6 shall be prohibited from creating or using a noncandidate controlled
7 committee or a nonsponsored committee to avoid, or that results
8 in the avoidance of, the disclosure of any individual, industry,
9 business entity, controlled committee, or sponsored committee as
10 a major funding source.

11 SEC. 2. Section 84506.5 is added to the Government Code, to
12 read:

13 84506.5. Persons or organizations not subject to the control of
14 a candidate or a committee controlled by a candidate, who make
15 independent expenditures for or against a candidate, shall indicate
16 clearly on any material published, displayed, or broadcast, in the
17 manner prescribed by Section 84507, that it was not authorized
18 by a candidate or a committee controlled by a candidate.

19 SEC. 3. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.

1 SEC. 4. The Legislature finds and declares that this bill furthers
2 the purposes of the Political Reform Act of 1974 within the
3 meaning of subdivision (a) of Section 81012 of the Government
4 Code.

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